IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

Crl.Rev.Pet.No. 259 of 2000

AGAINST THE ORDER DATED 06/01/2000 IN CRMP 1345/99 IN SC.65/1996 of II ADDL. SESSIONS COURT, TRIVANDRUM

PETITIONER/DEFACTO COMPLAINANT AND CW22

C.V. PADMARAJAN, FORMER MINISTER IN THE GOVT. OF KERALA, NOW RESIDING AT VASANTH, ANANDAVALLEESWARAM, KOLLAM-12.

BY ADV. SRI.N.DHARMADAN (SR.)
SMT.D.P.RENU

RESPONDENTS/STATE/ COMPLAINANT AND ACCUSED

1. **STATE OF KERALA, REP. BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.**

2. **PUBLIC PROSECUTOR, THIRUVANANTHAPURAM DIST., THIRUVANANTHAPURAM.**

3. **V.S. ACHUDANANDAN, FORMER LEADER OF THE OPPOSITION IN KERALA LEGISLATIVE ASSEMBLY NOW MEMBER, POLITBURO, COMMUNIST PARTY (MARXIST) OF INDIA AND CONVENOR, LEFT DEMOCRATIC FRONT OF KERALA, HAVING OFFICE AT A.K.G. CENTRE, THIRUVANANTHAPURAM.**

R3 BY ADV. SRI.P.GOPALAKRISHNAN NAIR
SMT.K.VIJAYAMMA
PUBLIC PROSECUTOR SRI NOBLE MATHEW

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 04/12/2007,HE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY, J.

Criminal R.P.No.259 OF 2000 (B)

Dated this the 4th day of December, 2007

O R D E R

Petitioner was a Minister in the Governemnt of Kerala from 1991 -1996. Third respondent raised an allegation of corruption. Therefore prosecution was launched for defamation and complaint was filed by the Public Prosecutor under Section 199 (2) of the Code of Criminal Procedure alleging offence under Section 499 IPC which is punishable under Section 500 of IPC. Thereafter Crl.M.P.No.1345/1999 was filed before the trial court for withdrawal of the prosecution. After considering in detail, that application was allowed under Section 321 (a) of Cr.P.C. without going into the merits of the allegations. Now it is submitted by the counsel for the petitioner that even if permission is granted, public prosecutor will conduct the case only according to the instructions of the Government headed by the 3rd respondent and therefore this petition may be closed without prejudice to the rights of the petitioner under Section 199 (6) of Cr.P.C. I also make it clear that disposal of the case

will not be a bar in filing a petition according to law under Section 199 (6) of the Cr.P.C. or petition resorting to any other remedies. But I see no ground to set aside the order under challenge. Hence this Criminal revision petition is closed.

J.B.KOSHY, JUDGE

prp

J.B.KOSHY

Criminal.R.P.259 OF 2000

O R D E R

4th December, 2007